

Message Text

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ACTION L-03

INFO OCT-01 ARA-16 ISO-00 SCA-01 JUSE-00 SCS-03 CIAE-00

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TO SECSTATE WASHDC 8396

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E.O. 11652: N/A

TAGS: PFOR, CPRS, SNAR, MX

SUBJECT: EXTRADITION: HORACE CLIFTON JONES

REF: STATE A-8145

1. EMBASSY PRESENTED FIRST PERSON NOTE ON OCTOBER 4 REQUESTING FORMAL EXTRADITION OF HORACE CLIFTON JONES, BASED ON DOCUMENTATION FORWARDED UNDER COVER OF REFERENCED AIRGRAM.

2. AFTER STUDYING CASE, FOREIGN SECRETARIAT EXTRADITION SPECIALIST, RICARDO ABARCA, DISCUSSED IT WITH EMBOFF OCTOBER 10. IN CONNECTION WITH ERROR POINTED OUT IN PENULTIMATE PARAGRAPH OF DEPARTMENT'S AIRGRAM, ABARCA TOOK POSITION IT WOULD BE WISE TO AWAIT SUPPLEMENTARY DOCUMENTATION BEFORE HE PRESENTS CASE TO ATTORNEY GENERAL'S OFFICE. HE STATED THAT ALTHOUGH FOREIGN SECRETARIAT COULD IGNORE THIS TECHNICALITY, JONES PRESUMABLY WILL ENGAGE SKILLFUL LAWYERS WHO COULD BASE DEFENSE ON SUCH MATTERS. ACCORDINGLY, FURTHER ACTION WILL BE SUSPENDED PENDING RECEIPT OF SUPPLEMENTARY DOCUMENTATION.

3. FURTHER ON CASE, ABARCA POINTED OUT THAT PARAGRAPH 4 OF ARTICLE III OF EXTRADITION TREATY SPECIFIES THAT THE CONTRACTING PARTIES AGREE NOT TO ASSUME JURISDICTION IN THE PUNISHMENT OF CRIMES COMMITTED EXCLUSIVELY WITHIN THE TERRITORY OF THE OTHER. SINCE JONES APPARENTLY COMMITTED HIS PART OF THIS CRIME WHILE IN MEXICO, THERE IS SOME QUESTION OF WHETHER USG RIGHTFULLY CAN

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ASUME ANY JURISDICTION.

4. EMBOFF POINTED OUT THAT PARAGRAPH 26 OF ARTICLE I OF THE SUPPLEMENTARY CONVENTION OF 1939 PROVIDES FOR EXTRADITION FOR PARTICIPATION IN ANY EXTRADITABLE CRIME AS AN ACCESSORY BEFORE OR AFTER THE FACT. ABARCA RESPONDED BY NOTING THAT THE SPANISH LANGUAGE TRANSLATION OF THAT PARTICULAR PASSAGE (COMO COMPLICE O COMO ENCUBRIDO) MIGHT NOT APPLY IN JONES' CASE SINCE HE IS INDICATED AS ONE OF PRINCIPALS RATHER THAN AS AN ACCOMPLICE. DESPITE FOREGOING DISCUSSION, ABARCA PROMISED TO FORWARD CASE AS SOON AS SUPPLEMENTARY DOCUMENTS RECEIVED.
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